

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Linlee Blake Nelson
Serial No. : 09/894,432
Filed : June 26, 2001
For : Storage Device

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

Sir:

Linlee Nelson DECLARES:

1. THAT, I am the inventor of the invention disclosed and claimed in U.S. Application Serial No. 09/894,432. The product described in that application is currently marketed using the trademark RV SHOE BUDDY™.
2. THAT, in January of 1997, I sent Ron Reid a test unit of the RV SHOE BUDDY™ storage device (with proposed list price) and asked if Camping World might be interested in a product like this one. I told him that I had invented it for my Dad who has size 14 feet and could find not storage for his shoes on the market that would fit in an RV. He thought the product was unique and would sell well, but he was not interested in buying it until much later. A local seamstress in the Bitterroot Valley made the prototype that I sent to Ron. I had no production facilities arranged at this time and would not be able to arrange production until I could determine what kinds of volume I could request from manufacturers.
3. THAT, in April 1997, Ron Reid called me back and indicated that he would place an initial order to see if there was any demand. I told Mr. Reid that we may have to make some modifications to the product in the future to accommodate customers' comments about its functionality since this was a brand new product to the market.

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and had not yet been tested on a large scale. He agreed that significant changes would likely need to be made, but was insistent that the product would have to show strong demand for Camping World to place the product in its Master Catalog which would be later in the year. The product that he was purchasing would be announced in a smaller catalog run, like the "Summer Sale" catalog. This was the first step toward having the product included in the Master Catalog.

4. THAT, in April of 1997, I searched frantically for a manufacturer in the United States who could provide me small quantities of the product at a price that would allow me to provide the initial order without too much up-front investment.
5. THAT, in May of 1997, I found American Sewn Products in Irving, TX which fabricated the product for much more than I wanted to pay, but I was able to place a blanket purchase order based on the promise to purchase larger quantities in order to get an agreeable price. The pattern was based off the original prototype that the seamstress in the Bitterroot Valley made for me.
6. THAT, on June 16, 1997, Ron Reid placed the initial Purchase Order No. 25236 for 240 units of item no. 845 for catalog sales only. No retail packaging was required.
7. THAT, on July 23, 1997 RV Adventures, Inc. (now Pocket Products, Inc.) shipped 240 units of item no. 845 to Bowling Green, KY to Camping World's East Coast Distribution Center from Irving, TX.
8. THAT, on September 19, 1997, RV Adventures, Inc. (now Pocket Products, Inc.) received payment in full for Purchase Order No. 25236. I requested but received no information during this period about how sales were progressing.
9. THAT, on October 26, 1997, Camping World placed a small order of 72 units of item no. 845 on Purchase Order No. 46909. I was told that the RV SHOE BUDDY™ storage device had sold some, but that they were not certain yet that it will be included in the Master Catalog.

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10. THAT, on November 15, 1997, I had a conversation with Ron Reid concerning the Master Catalog. The RV SHOE BUDDY™ storage device had been picked up for the Master Catalog and Camping World would be putting several purchase orders in the next month for almost 1,000 units. I explained to Ron that I had to make modifications to the product: the elbow screw was not holding and needed to be replaced with a flathead screw with much larger threads, the grommets needed to be larger to accommodate a larger screw, the pockets needed to be increased in size, the pocket seams needed to be increased in distance from one another and the binding needed to be changed to make manufacture easier.
11. THAT, I hired NuTrend Mfg., Inc. of Delray Beach, FL on December 10, 1997 to manufacture the RV SHOE BUDDY™ storage devices. I provided a new design to the manufacturer and they suggested several minor changes to save money which would allow us to keep the more expensive materials we were using. NuTrend has manufactured every RV SHOE BUDDY™ storage device since then with few returns and late deliveries.
12. THAT, in February of 1998, I researched a Provisional Patent. A conversation with a patent attorney in Spokane revealed that I would need \$4,500 to file a patent. He suggested that I file a Provisional Patent and hire out the drawings. At the time, my family qualified for Medicaid, had a mortgage payment, and I had to take a teaching job at the University in order to make mortgage payments; therefore money concerns dictated that I was not able to hire a lawyer. So I researched the patent process myself in my spare time.
13. THAT, from March of 1998 to July of 1998, I worked on the Provisional Patent application and the drawings of the newly designed RV SHOE BUDDY™ storage device.
14. THAT, I sent the provisional patent application to the United States Patent and Trademark Office on August 31, 1998.

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15. THAT, from October 1997 through April 2002 Pocket Products, Inc. provided RV SHOE BUDDY™ storage devices of all sorts (845R, 845DB [dark brown], 836R, 850 [Mini Pockets™]) under a patent pending status (this was printed on each RV SHOE BUDDY™ storage device). Pocket Products, Inc. provided this product for the same price for 5 years (until August 2002), with a small increase of \$1.50/unit after that. Our quality was excellent with less than 1% return rate. We provided excellent customer service and very high percentage on-time delivery. I worked mainly with Ron Reid during this time who routinely informed me that my product was an excellent seller, one of the best in Camping World's history! He joked regularly about making me a millionaire and about what a great idea this product was. The following table summarizes the commercial success the RV SHOE BUDDY™ storage device has enjoyed since its inception:

<u>Units Sold</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Item No. 845 (45")	1,344	3,644	6,637	10,717	8,988	8,523	2,561
Item No. 836 (36")	0	960	478	959	2,112	3,068	1,367
Total	1,344	4,604	7,115	11,676	11,100	11,591	3,928

16. THAT, from May 2002 to May 2003, Julie Walker took over as buyer because Ron was fired when new management took over. Julie handled all of my orders during 2002. Around December 2002, I believe she told me that she was being promoted to merchandising manager, but that she would still handle my orders until the organizational changes had taken place. I tried to contact her repeatedly during the Spring of 2003 and she did not return my calls. I became increasingly concerned, but

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was placated by continuing orders. I then received information that Vanae Garmon was my new buyer.

17. THAT, in June of 2003 I tried, in vain, to contact Ms. Garmon. Finally, when a customer called me to express their concern that they were not able to get my product through Camping World because it had been discontinued, I called Camping World again and insisted on speaking to a manager. Finally, I got a return call from Ms. Garmon. She informed me that my product had been "outsourced" by Camping World (to China). I explained that the product was protected by a patent. She claimed that she was not aware of this and directed me to her merchandising manager. He directed me to Brent Moody, legal counsel. I called Ms. Garmon back and informed her that based on past history, I had stocked over 500 units for spring stocking orders. She agreed to look into this and Camping World eventually purchased that stock in September of 2003. They have never purchased another 845R RV SHOE BUDDY™ from my company and, based on estimates, have sold thousands and will, in the future, sell tens of thousands.
18. THAT, from the introduction of this product to present day, demand for this product has been strong. This is still one of Camping World's best selling products. I believe this is true because of the shape of this product and its usefulness in mounting to the pedestal of the queen size bed in a recreational vehicle. There is no other product on the U.S. market that has flexible pockets and mounts to a flat surface in this way. All products offering this type of "pocket" storage either hang from hangers or over the tops of traditional closet doors. Camping World's "outsourcing" of my product proves to me that the RV SHOE BUDDY™ shoe storage device has filled an important niche in the industry. I believe that this is exactly the type of product for which patent protection is necessary. Without this protection, large companies are free to "outsource" important innovations brought to them by small inventors with no repercussions. This lack of protection for products

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that fill vital market niches will result in stifling innovation in the United States at a time when we need to encourage entrepreneurs to innovate. Innovation and not manufacturing is where the economic engine of this country is seated. We can make anything offshore, but the money that we bring to our economy through innovation is what will sustain our country into the future.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, declarant sayeth not.

By *Siirce Nelson* Date: *2.2.2005*